

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1448 OF 2007

Nayan Tukaram Bhojane ..Applicant

Vs.

State of Maharashtra ..Respondents

Mr.V.V.Purwant Advocate for Applicant
Mr.S.R.Shinde A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : APRIL 27, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No.29 of 2007 of Ratnagiri City Police Station, Ratnagiri. The said case is mainly under Sections 406, 420, 468 of IPC.

3. The applicant is a Tax Consultant practising at Chiplun. It is the prosecution case that he deposited less amounts of tax in respect of some of his clients in the Income Tax Department which are reflected in the Chalans filed with the Income Tax

Department, however, in the counterfoils of the said Chalans which were handed over to the clients, more amount was shown and the applicant has misappropriated the difference in the amount. It is the prosecution case that the applicant has thus misappropriated the amount of Rs.3,25,000/- from various clients.

4. The learned A.P.P. states that the custody of the applicant is necessary in order to recover the said amount of Rs.3,25,000/- so that it can be handed over to the actual persons whose amounts have been misappropriated.

5. Mr.V.V.Purvant, the learned advocate for the applicant on instructions, states that the applicant will deposit an amount of Rs.3,25,000/- with the Investigating Officer and it would be open to the Investigating Officer to disburse the said amount to the persons who claim the same. Mr.Purvant further submits that whatever the result of the trial, the applicant will not claim back the said amount from any of the witnesses. In such circumstances, in my view, the custody of the applicant would not be necessary. Hence, I am

inclined to grant anticipatory bail to the applicant.

6. In the event of arrest, the applicant to be released on bail in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one or two sureties to make up the said amount in C.R.No.29 of 2007 of Ratnagiri City Police Station, Ratnagiri. The applicant shall report to the concerned Police Station every day from 30.4.2007 to 5.5.2007 from 11.00 a.m. to 2.00 p.m. and thereafter as and when required till conclusion of the trial.

7. The applicant is granted time to deposit amount of Rs.3,25,000/- with the I.O. till 30.6.2007.

8. On the deposit of the amount of Rs.3,25,000/- by the applicant with the I.O., the I.O. shall hand over the said amount to the persons who claim the same. It is made clear that if any portion of the said amount remained unclaimed, in that event, at the end of trial, the said unclaimed amount be returned to the applicant.

9. It is made clear that if the said amount of

Rs.3,25,000/- is not deposited within the stipulated period, this order granting anticipatory bail to the applicant, will stand automatically cancelled and the applicant will be taken in custody.

10. Application is disposed of.

[Smt. V.K.Tahilramani, J.]